

CC DOCKET #02-6

REQUEST FOR REVIEW

Appeal - Mary Queen of Peace - Gramont Campus
138 Gramont Avenue, Dayton, Ohio 45417

Contact: Richard Kevern - E-Rate Connection, 177 Wilbur Drive, Munroe Falls, Ohio 44262 - 330-686-2061 -
RichardKevern@E-RateConnection.com

Funding Year = 2010-11, BEN = 50387 (Gramont Campus), 471 #734493, FRN #2072008

Service Provider is Tech Wizards, LLC (SPIN #143022632)

Received & Inspected

NOV 18 2010

FCC Mail Room



Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2010: 07/01/2010 - 06/30/2011)

July 27, 2010

Richard Kevern
MARY QUEEN OF PEACE CATHOLIC SCHOOL, GRAMONT CAMPUS
177 Wilbur Dr.
Munroe Falls, OH 44262

Re: Form 471 Application Number: 734493
Billed Entity Number (BEN): 50387
Billed Entity FCC RN: 0017626128
Applicant's Form Identifier: NQP-Gramont2010-11-P2-471

Thank you for your Funding Year 2010 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$34,141.50 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

FUNDING COMMITMENT REPORT

Billed Entity Name: MARY QUEEN OF PEACE CATHOLIC SCHOOL, GRAMONT CAMPUS
 BSN: 50187
 Funding Year: 2010

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 714493
 Funding Request Number: 2972008
 Funding Status: Not Funded
 Category of Service: Basic Maintenance of Internal Connection
 Form 470 Application Number: 847590060811977
 SPIN: 143077412
 Service Provider Name: Techwizards, LLC
 Contract Number: 3831
 Billing Account Number: N/A
 Multiple Billing Account Numbers: N
 Service Start Date: 07/01/2010
 Service End Date: N/A
 Contract Award Date: 02/11/2010
 Contract Expiration Date: 06/30/2011
 Site Identifier: 20187
 Number of Months Recurring Service Provided in Funding Year: 12
 Annual Pre-discount Amount for Eligible Recurring Charges: \$37,935.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$ 0.00
 Pre-discount Amount: \$37,935.00
 Discount Percentage Approved by the USAC: 50%
 Funding Commitment Decision: \$0.00 - Cost Effectiveness
 Funding Commitment Decision Explanation: D01: This funding request is denied as a result of a Cost Effectiveness Review, which has determined that your request for Basic Maintenance of Internal Connections has not been justified as cost effective as required by FCC rules. a. The cost per piece of equipment at \$1,662.00 is high and deemed not cost effective. b. Individual maintenance cost of 1000 8710 WAP is 11600 as compared to the purchase price of the individual 1000 8710 WAP and is deemed not cost effective. c. Individual maintenance cost of Linksys WRT54 Router is 1927 as compared to the purchase price of the individual Linksys WRT54 Router and is deemed not cost effective.

FCDL Date: 07/27/2010
 Wave Number: 010
 Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2011

We hereby appeal the Priority 2 Funding Commitment Decision Letter "Denial" for Mary Queen of Peace - Gramont Campus for "basic maintenance" in funding year 2010-2011, dated July 27, 2010 based on the following consideration:

E-Rate Program administrators (SLD) should not have denied a legitimate school's entire Priority 2 "Basic Maintenance" funding request solely because several of the elements contained therein were not deemed to be cost-effective. Instead, SLD should have let the applicant school reduce the request for the offending elements to levels that are deemed to be cost effective, as SLD routinely reduces or modifies funding requests in consultation with the applicant as evidenced hundreds of times each funding year in the "FCDL Comment" field of the Data Retrieval Tool.

Note: During this process, in a phone conversation with the PIA reviewer I was told I could propose the Mary Queen of Peace basic maintenance funding request be reduced, but one time only. However, after proposing (in writing) costs that were reduced by 40%, the funding request was denied, quoting the original (un-reduced) numbers, completely ignoring the 40% reduction proposal. (Please see e-mail message to PIA reviewer on June 6, 2010 attached at the end of this message)

Denying 100% of a legitimate school's funding requests because several elements are deemed not be cost-effective, without allowing that school to reduce the funds requested for the offending elements - is patently

unfair, especially when SLD permits other applicants to reduce requests on a routine basis.

In this appeal, we seek to have the funding request approved with the two items deemed not to be cost effective reduced by 40% as stated in the June 6, 2010 e-mail message below. With no E-Rate funding for basic maintenance - how is this "high-poverty" 90% discount Catholic school supposed to maintain the \$156,005.76 worth of equipment the SLD approved funding for two years earlier in the 2008-2009 funding year for both Mary Queen of Peace Homewood and Mary Queen of Peace Gramont combined.

Note: For the 2008/2009 funding year, the Mary Queen of Peace Homewood Campus and Gramont campus were done on the same E-Rate application. For the 2010/2011 funding year, in January of 2009 I was told by both Errin (Sp?) and Debbie of the SLD 888-203-8100 Hotline to do them separately. (case number 21-987258).

Respectfully,

Richard Kevern - E-Rate Connection

I. Service Review

We have completed our review and determined that FRN 2072008 will be denied because your request has not been justified as cost effective as required by FCC rules. For additional guidance on determining eligible services, please refer to the USAC website at: <http://www.usac.org/sl/applicants/step06/>.

- a. The cost per piece of equipment at \$1,662.00 is high and deemed not cost effective.
- b. Individual maintenance cost of 3Com 8750 WAP is 1160% as compared to the purchase price of the individual 3Com 8750 WAP and is deemed not cost effective.
- c. Individual maintenance cost of Linksys WRT54 Router is 1827% as compared to the purchase price of the individual Linksys WRT54 Router and is deemed not cost effective.

From: "RichardKevern@e-rateconnection.com" <richardkevern@e-rateconnection.com>
Subject: **Re: ERate App# 766542**
Date: June 4, 2010 3:56:40 PM EDT
To: "Post, Glen" <GPOST@sl.universalservice.org>
Cc: Debra X14 Johnson <djohnson@maryqueenofpeace.us>, Marv Myers <mmyers29@woh.rr.com>
Bcc: "RichardKevern@e-rateconnection.com" <richardkevern@e-rateconnection.com>

Mr. Post:

Rather than allow a legitimate school loose such a large portion of it's requested funding due to this "not-cost-effective" issue, with permission I received from MQP principal, Debra Johnson today, I would like to reduce the funding request rather than offer to eliminate the offending basic maintenance items entirely.

Not knowing the criteria for what makes a basic maintenance funding request "cost-effective" or not, I would like to propose reducing the \$2,875 per month requested for the two items deemed to be not cost-effective in the MQP Homewood FRN #2072153 by 40%, or \$1,150, reducing the total funding request amount from \$4,346.25 to \$3,196.25 per month.

Regarding Items II & III: I have been told by the service provider (Dan Haas at Tech Wizards via phone on Friday, May 28, 2010) that the APC-UPS and the Powervault Backup will be used only with E-Rate eligible equipment, most of which I believe was acquired via 2008 Priority 2 Internal Connections funding.

Thank You.

Richard Kevern

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